

# ***NEWS RELEASE***

---



## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

***San Diego, California***

***United States Attorney  
Carol C. Lam***

---

***For Further Information, Contact: Assistant U.S. Attorney William V. Gallo (619)557-6964***

---

***For Immediate Release***

### **NEWS RELEASE SUMMARY** - July 12, 2006

United States Attorney Carol C. Lam announced that Gilbert Castro, Jr., a veteran police officer with the City of Imperial in Imperial County, was arraigned today before Magistrate Judge Roger Curtis McKee on an indictment charging him and Jose Luis Marchena-Ibarra with nine counts of Dealing in Firearms without a License and one count of Conspiracy to Deal Firearms without a License. Jose Luis Marchena-Ibarra is a fugitive.

The indictment alleges that on numerous occasions in 2004 and 2005, the defendants sold firearms to a confidential source. The indictment also alleges that on November 24, 2004, Castro discussed the sale of a fully automatic machine gun. According to the indictment, on August 12, 2005, the confidential source gave \$2,000.00 towards the purchase of the machine gun to Marchena, which Marchena then deposited into Castro's bank account. The indictment further alleges that Castro returned the money to the confidential source a few days later when an agreement could not be reached regarding who would smuggle the machine gun into the United States from Mexico.

United States Attorney Lam said, "Unregistered handguns frequently are used by criminals committing street crimes and drug trafficking offenses. Stemming the flow of illegally distributed firearms is critically important to law enforcement's effort to protect the people in our communities. The fact that a police officer, sworn to uphold the law and protect the public, was behind the sale of unregistered firearms is particularly distressing."

ATF Special Agent in Charge John A. Torres commented, "Targeting individuals involved in illegal trafficking and illegal possession of firearms is a priority for ATF. We are committed to protecting our citizens from criminals who violate federal firearms laws. It is unfortunate that a member of our law enforcement community has chosen to violate the law. Those who unlawfully transfer firearms should be held accountable."

Special Agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Narcotics Task Force arrested Castro on July 11, 2006. Castro is next scheduled to be in court for a detention hearing on July 17, 2006, at 2:00 p.m. before Magistrate Judge Louisa S. Porter. Judge McKee ordered Castro detained without bail until the hearing.

**DEFENDANTS**

**Criminal Case No. 06-CR-13988-H**

Gilbert Castro, Jr.

Jose Luis Marchena-Ibarra

**SUMMARY OF CHARGES**

**Count 1** (both defendants)

Title 18, United States Code, Sections 371 and 922(a)(1)(A) - Conspiracy to Deal Firearms without a License, Maximum penalty: 5 years in prison and a \$250,000 fine.

**Counts 2-4** (Marchena only)

Title 18, United States Code, Section 922(a)(1)(A) - Dealing in Firearms without a License  
Maximum penalties (per count): 5 years in prison and a \$250,000 fine.

**Counts 5-10** (both defendants)

Title 18, United States Code, Section 922(a)(1)(A) - Dealing in Firearms without a License  
Maximum penalties (per count): 5 years in prison and a \$250,000 fine.

## **PARTICIPATING AGENCIES**

Bureau of Alcohol, Tobacco, Firearms, and Explosives  
Narcotics Task Force

**An indictment itself is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**